



Perry Park Water and Sanitation District  
5676 West Red Rock Drive  
Larkspur, Colorado 80118  
[www.ppwsd.org](http://www.ppwsd.org)

## Regular Meeting - April 19, 2023

### Board Members Present

Brian Arthurs  
Tony Lucas  
James Maras  
Jim Matchett  
Gary Peterson

### Visitors

Justin Hattaway  
David Hinchey  
Garry Lawrenz  
Chad Otto  
Dan Rodriguez – Cage Civil Engineers  
Mark Story  
Kamil Tazi

### Staff / Consultants in Attendance

Alan Hill – Hill & Pollock, LLC  
Diana Miller – District Manager  
Will Parker – Semocor, Inc.  
Ashley Pollock-Zahedi – Hill & Pollock, LLC

### 1.0 Call To Order

The Regular Board Meeting was called to order at 14:00.

### 2.0 New Business and Open Items and Operational Status

- 2.1 Meeting Minutes – A motion was made and seconded; (RESOLUTION 23-027) TO APPROVE THE MINUTES OF THE MARCH 15, 2023 REGULAR BOARD MEETING OF THE PERRY PARK WATER AND SANITATION DISTRICT AS PRESENTED. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 23-028) TO APPROVE THE MINUTES OF THE APRIL 11, 2023 EXECUTIVE SESSION AS PRESENTED. The motion passed unanimously.

- 2.2 Disbursements – A motion was made and seconded; (RESOLUTION 23-029) TO APPROVE ELECTRONIC PAYMENTS DATED MARCH 13, 2023 IN THE AMOUNT OF \$14,708.05 AND ELECTRONIC PAYMENTS DATED MARCH 20, 2023 IN THE AMOUNT OF \$8,113.54 AND ELECTRONIC PAYMENTS DATED APRIL 6, 2023 IN THE AMOUNT OF \$8,609.06 WHICH WERE PREVIOUSLY DISBURSED FROM 1<sup>ST</sup> BANK. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 23-030) TO APPROVE CHECKS 13724 THRU 13754 IN THE AMOUNT OF \$286,214.50 TO BE DISBURSED FROM 1<sup>ST</sup> BANK. The motion passed unanimously.

A motion was made and seconded; (RESOLUTION 23-031) TO RATIFY CONSENT AGENDA ITEMS DATED MARCH 17, 2023 IN THE AMOUNT OF \$7,264.58 AND CONSENT AGENDA ITEMS DATED MARCH 31, 2023 IN THE AMOUNT OF \$7,802.83 WHICH WERE PREVIOUSLY DISBURSED FROM WELLS FARGO BANK. The motion passed unanimously.

- 2.3 Capital Improvement Fees, Septic Systems – Justin Hattaway and David Hinchey, residents of the Sterling Pointe community (also known as Sage Port Filing No. 4), spoke about the Capital Improvement Fee ("CAP") billed to all District customers and requested that lot owners in Sterling Pointe be exempt from paying the capital improvements for sewer treatment plants because these lots are not connected to the District's sewer system. Sage Port Filing No. 4 was platted in the early 1970's as 81 half-acre lots and 127 one-acre lots to be served by the District with water and sewer but was not developed as platted because of the tremendous cost for a developer to install the required sanitary sewer, central water system and paved roads. In 1996, the Sterling Point Development Company amended the plat to consist of 114 home sites approximately 2.3 acres in size with individual sewage disposal systems and formed the Sterling Pointe HOA. The District's attorneys from Hill & Pollock discussed the District's strong preference for all properties within the District to be connected to both the water and sanitary sewer systems because of the increased water quantity and quality, but that certain properties within the District are allowed to use individual septic systems when the infrastructure necessary to connect to the existing sanitary sewer line is cost prohibitive. The District's attorneys explained that the District's water and sanitary sewer systems are interconnected both physically and legally, and how the different elements of the District's integrated system, such as wells, raw water treatment, and wastewater treatment, supply the District's customers with renewable water. The Board and staff discussed that it actually costs more for the District to provide water service without sewer because water returns are lost to the individual septic systems. The Board advised Mr. Hattaway and Mr. Hinchey that their request to exempt Sterling Pointe residents from paying fees for sewer capital improvements was denied.
- 2.4 Phoenix Development – Mr. Garry Lawrenz and Mr. Kamil Tazi attended the Board Meeting, along with their engineering consultant with Cage Civil Engineering, Dan Rodriguez, to discuss changes to the feasibility study for 13 out-of-District water taps the Board previously approved at the Board Meeting held on November 9, 2022. The changes include increasing the tap sizes from  $\frac{3}{4}$ " to 1" or  $1\frac{1}{2}$ ", adding fire flow capabilities for sprinkler systems and/or cistern water storage as recommended by the Larkspur Fire Protection District, authorizing the taps to be transferrable to neighboring properties, and permitting private water wells to serve the same properties as the taps. The District's attorneys from Hill & Pollock brought an existing water service agreement to the Board's attention wherein the District agreed to provide out-of-District services to owners of land within the Meribel Village subdivision if certain conditions were met. These conditions include the following from the 1976 Meribel Village Agreement:

*"There shall have been evidenced to the District the availability of an adequate supply of developable water to provide water service to the Service Area.*

*There shall have been conveyed to the District, without cost to the District, the following:*

- a. The exclusive right to mine, drill and take water from beneath the surface of all greenbelt areas in Meribel Village;*
- b. The nonexclusive right to mine, drill and take water from beneath the surface of the golf course area in Meribel Village;*
- c. Land for a sewage treatment plant at a location and of a size which shall be satisfactory for the construction of a sewage treatment plant adequate to provide treatment of wastewater from Meribel Village; and*
- d. Adequate easements for pipelines and ingress and egress to the facilities of the District.*

*The Board of Directors of the District, acting in good faith, determines that:*

- a. Actual demand exists as evidenced by lot owner building permit applications or the payment of tap fees by lot owners;*
- b. The construction of the water supply facilities or the sewage treatment plant is within the existing financial capabilities of the District;*
- c. The lot owners evidence to the District that adequate financial arrangements have been made for the construction of water distribution lines and/or sewage collection lines, without cost to the District.”*

The District’s attorneys explained that the 13 taps will serve some of the parcels subdivided as Meribel Village, which is why the Board should be aware of the existing water service agreement. The Board discussed the scenarios and directed the District Manager to contact the District’s engineer to update the feasibility study to evaluate the requested changes on the District’s system before making a decision on a water service agreement.

2.5 Bannock Drive – Request for Board Consideration - Mr. Chad Otto attended the Board Meeting to request that the Board consider forming a subdistrict to finance sewer infrastructure to serve 41 undeveloped lots within the District. The District’s attorneys from Hill & Pollock explained that a subdistrict would identify specific property within the District to be taxed for the purposes described in the authorizing resolution for the subdistrict, such as to finance water and sewer infrastructure. The District’s attorneys went on to explain the procedural requirements of forming and governing a subdistrict. The Board raised questions as to whether taxing properties in a subdistrict would impact the District’s financing for other capital improvement projects and directed the District Manager to contact the District’s bond counsel for advice before making a decision on the request to form a subdistrict.

2.6 Independence Court – Request for Board Consideration - Mr. Mark Story attended the Board Meeting to request that the Board consider authorizing a low pressure sewer system to serve 8 lots within the District. Mr. Story provided the Board with the preliminary cost and design recommendations from E One Sewer Systems. The Board directed the District Manager to contact the District’s engineer to request

an estimate for a feasibility study for the 8 lots, utilizing a low pressure sewer system.

- 2.7 District Systems Report – The members of the Board reviewed the District Systems Report that was presented by Mr. Will Parker.

Director Peterson noted that the status of the Dakota Well should be updated to reflect the redrill.

With regard to the results of the annual sewer jetting Mr. Parker advised the Board that he was in the process of getting estimates for the sewer main that was in need of lining.

- 2.8 PFAS Discussion – Director Peterson summarized a recent Wall Street Journal article on the topic of PFAS. Mr. Parker advised that CDPHE (Colorado Department of Public Health and Environment) had not provided additional guidance since the non-detect samples had been taken.

- 2.9 Monthly Staff Report - The members of the Board reviewed the Monthly Staff Report that was presented by the District Manager.

- 2.10 Audience Participation – There was no additional audience participation.

- 2.11 Board Member Discussion Items – Director Maras advised the Board that he had been able to tour the treatment facilities since the last Board Meeting. He advised the Board that with the exception of a couple of minor items the facilities looked clean and well maintained.

Director Peterson expressed concern with how the current economic environment could impact the District’s funding options. The Board discussed the regional banking issues as well as decisions being made by the Federal Reserve. The Board requested that D. A. Davidson attend the next Board meeting.

Director Arthurs advised the Board that he and the District Manager had interviewed a number of candidates for the Water and Sanitation District Utility Assistant position. He advised the Board that he and the District Manager had agreed on a candidate and would be contacting the candidate at the conclusion of this Board Meeting.

- 3.0 Adjournment** - A motion was made and seconded; (RESOLUTION 23-032) TO ADJOURN THE REGULAR MEETING. The motion passed unanimously. The meeting adjourned at 16:30.

---

Secretary, James Maras